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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,439

03/26/2004

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60021-378601

1477

29838 7590 07/24/2008
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EXAMINER

PARKER, BRANDI P

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

07/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/811,439	Applicant(s) WOLLAN ET AL.	
	Examiner BRANDI P. PARKER	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/26/2005, 9/25/2006, 7/7/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. Claims 1-60 are pending in this Office Action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. Claim 1 is directed to defining and storing prioritized experiences. Therefore, as the claims are not sufficiently tied to an apparatus, such as a computer, and/or do not transform the underlying subject matter (from your claim) to a different state the claimed method is non-statutory and therefore rejected under 35 U.S.C. 101. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). Whether a method appropriately includes particular machines to qualify as a section 101 process may not always be a straightforward inquiry. As Comiskey recognized, "the mere use of the machine to collect data

necessary for application of the mental process may not make the claim patentable subject matter." *Comiskey*, 499 F.3d at 1380 (citing *In re Grams*, 888 F.2d 835, 839-40 (Fed. Cir. 1989)). In other words, nominal or token recitations of structure in a method claim should not convert an otherwise ineligible claim into an eligible one. *Ex parte Langemyr* (BPAI 2008-1495, 2008).

5. Claims 2-20, are rejected for being dependent upon rejected claim 1.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-17, 20-37, 40-57 and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilkinson et al (US 7016936).

8. With respect to claims 1, 21 and 41, Wilkinson teaches a method for optimizing customer experiences, the method comprising:

- a. defining a plurality of prioritized experiences correlating to a customer interaction strategy, wherein each prioritized experience has at least one associated treatment (column/line 6/1-14);
 - b. storing the plurality of prioritized experiences for consistent treatment among a plurality of channels (Figure 1, item 15);
 - c. dynamically applying the plurality of stored defined experiences during interactions with customers (column/line 10/41-48); and
 - d. capturing customer interaction results, for refining future targeted interactions (column/line 6/1-14).
9. As to claims 2, 20, 22, 40, 42 and 60, Wilkinson teaches the method from claim 1, further comprising: evaluating a customer strategy for a company(column/line 6/15-18); identifying a plurality of customer segments for a customer base of a company; and formulating an interaction strategy based on value opportunities (column/line 6/32-38).
10. Regarding claims 3, 5, 23, 25 and 43 and 45, Wilkinson teaches the method from claim 1, further comprising deriving insight about customers from analytical models, wherein defining the prioritized experiences is based on the derived insight, wherein the step of deriving insight from analytical models comprises:

- e. extracting customer data for a plurality of customers from at least one database (column/line 11/59-67);
 - f. training analytical models to predict customer behavior, wherein the analytical models are trained using the customer data extracted from at least one database (column/line 6/66-7/12; 14/4-13);
 - g. gathering the customer interaction results (column/line 7/2-5); and
 - h. re-training the analytic models to refine the customer behavior prediction, wherein the analytical models are re-trained using the customer data extracted from at least one database as well as the customer interaction results (column/line 7/10-19, 14/15-28).
11. With respect to claims 4, 24 and 44, Wilkinson teaches the method from claim 1, wherein the step of storing the plurality of prioritized experiences stores experience data in a central repository (Figure 1, item 115); and wherein the step of dynamically applying the plurality of defined experiences retrieves experience data from the central repository (column/line 10/41-48).

12. As to claims 6, 26 and 46, Wilkinson teaches the method from claim 2, wherein evaluating the customer strategy comprises: evaluating business value drivers; defining key performance indicators; and defining business constraints (column/line 6/15-18).

13. Regarding claims 7, 27 and 47, Wilkinson teaches the method from claim 2, wherein identifying the plurality of customer segments comprises: segmenting a plurality of customers by behavior data stored in a data warehouse; segmenting the plurality of customers by value data stored in the data warehouse; and generating a two-dimensional matrix for cross-segmenting the plurality of customers by both behavior data and value data (column/line 14/4-13).

14. With respect to claims 8, 28 and 48, Wilkinson teaches the method from claim 2, wherein formulating the interaction strategy comprises choosing a subset of interaction reasons from a pre-defined repository of interactions for a specified industry (column/line 12/46-57, specific conditions that can be tailored to a specific industry).

15. As to claims 9, 29 and 49, Wilkinson teaches the method from claim 2, wherein the step of formulating the new interaction strategy comprises capturing current channel mix for all experiences and future channel mix for prioritized experiences (column/line 10/6-23).

16. Regarding claims 10, 30 and 50, Wilkinson teaches the method from claim 2, wherein the step of formulating the interaction strategy comprises modeling value opportunities (column/line 14/4-13).

17. With respect to claims 11, 31 and 51, Wilkinson teaches the method from claim 2, wherein formulating the interaction strategy comprises ranking interaction reasons to determine a primary set of interaction reasons (column/line 5/61-67).

18. As to claims 12, 32 and 52, Wilkinson teaches the method from claim 2, wherein formulating the interaction strategy comprises: defining a plurality of treatments (column/line 5/55-61); and assigning each of the plurality of treatments to a prioritized interaction (column/line 6/15-23).

19. Regarding claims 13, 33 and 53, Wilkinson teaches the method from claim 12, wherein the step of assigning is based on a hierarchy of grouped rules (column/line 5/61-67).

20. With respect to claims 14, 34 and 54, Wilkinson teaches the method from claim 1. Wilkinson wherein the step of defining the plurality of prioritized experiences enables a business user to define a plurality of treatments (column/line 5/27-37).

21. As to claims 15, 35 and 55, Wilkinson teaches the method from claim 1, wherein the step of dynamically applying the plurality of defined experiences comprises leveraging a centralized rules engine; wherein the rules engine is independent of and consistent for a plurality of channels (column/line 5/53-55).

22. Regarding claims 16, 36 and 56, Wilkinson teaches the method from claim 15, wherein the rules engine applies treatments as a function of a customer segment, an interaction type, and an interaction channel (column/line 5/27-37, 12/4-18).

23. With respect to claims 17, 37 and 57, Wilkinson teaches the method from claim 1, wherein the step of applying the plurality of defined experiences comprises: building a customer intelligence record for representing a plurality of data fields for a customer; passing the customer intelligence record to a central, channel-independent rules engine; processing a plurality of rules for updating the customer intelligence record to indicate at least one treatment for the customer; and sending data from the customer intelligence record to the channel for instructing the channel on the treatments to present to the customer (column/line 9/26-10/5 regarding target/customer interaction module).

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 18-19, 38-39, and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson et al (US 7016936).

26. As to claims 18, 38 and 58, Wilkinson teaches the method from claim 17 of creating a customer intelligence record comprising of stored data about the customer. Wilkinson does not explicitly teach scoring the customer information and storing it in the customer intelligence record. Further scoring the customer information and storing it in the customer intelligence record would be a predictable result of the disclosed system in Wilkinson because it would help to select the most relevant data needed for further analysis and creation of data models. *KSR v. Teleflex*, 82 USPQ2d, 1385 (2007).

27. Regarding claims 19, 39 and 59, Wilkinson teaches the method from claim 1. Wilkinson does not explicitly teach using the prioritized experiences to support marketing, sales, service and billing functions. Wherein the plurality of prioritized

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experiences support marketing, sales, service and billing functions executed by a customer consist of the intended use of the method and system claimed. It has been held that the manner or method in which machine is to be utilized is not germane to issue of patentability of machine itself *In re Casey*, 152 USPQ 235 (CCPA 1967) and claims 19, 39 and 59 are therefore rejected.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nizzari et al (US 6014647, system for tracking customer interactions), Siefert (US 6047261, method and system for monitoring and enhancing the performance of the user interaction), Katz (US 6055513, method and system for obtaining commercial information through user interaction), Walter et al (US 6334110), Vincent (US 2002/0087385, system and method for suggesting interaction strategies) and Carr et al (US 20030220901, customer interaction manager), Beck et al (US 6230197, method and apparatus for rules based storage and retrieval of multimedia interactions).

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI P. PARKER whose telephone number is (571) 272-9796. The examiner can normally be reached on Mon-Thurs. 8-5pm.

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30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDI P PARKER/
Examiner, Art Unit 3623

/Andre Boyce/
Primary Examiner, Art Unit 3623